

Message Text

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ACTION EUR-12

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R 170649Z MAR 77
FM AMEMBASSY WARSAW
TO SECSTATE WASHDC 7112
AMEMBASSY BERLIN
AMEMBASSY MOSCOW
AMEMBASSY PRAGUE
AMEMBASSY BUDAPEST
AMEMBASSY BUCHAREST
AMEMBASSY SOFIA
USMISSION NATO

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E.O. 11652: N/A
TAGS: PFOR CVIS CSCE PL
SUBJ: VISA FACILITATION

REF: A. WARSAW 1876, B. WARSAW 673, (C). WARSAW 1256

1. THE EMBASSY PROPOSES TO REPLY TO POLISH NOTE NO. D. KONS.
III-332-87-77 OF FEBRUARY 26, 1977 WITH AN AIDE MEMOIRE TO BE
SUPPLEMENTED BY A MORE DETAILED DISCUSSION WITH MFA CONSULAR
OFFICIAL.

2. THE PROPOSED TEXT OF THE AIDE MEMOIRE FOLLOWS: BEGIN TEXT:

AIDE MEMOIRE

THE UNITED STATES GOVERNMENT WELCOMES THE EXPRESSION OF
INTEREST ON THE PART OF THE GOVERNMENT OF THE POLISH PEOPLE'S
REPUBLIC IN FACILITATION OF TRAVEL BY CITIZENS OF OUR COUNTRIES.
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BEGINNING APRIL 15, THE UNITED STATES GOVERNMENT IS PREPARED
TO ISSUE DIPLOMATIC AND OFFICIAL VISAS WITHIN FIVE WORKING DAYS,
ON THE BASIS OF RECIPROCITY, TO HOLDERS OF OFFICIAL OR DIPLOMATIC
PASSPORTS WHO ARE TO PERFORM PERMANENT OR TEMPORARY FUNCTIONS AT
THE POLISH EMBASSY IN WASHINGTON OR POLISH CONSULATES IN THE U.S.
THIS PRACTICE WILL ALSO APPLY TO MEMBERS OF TEMPORARY OR PERMA-

NENT DELEGATIONS TO INTERNATIONAL ORGANIZATIONS WHOSE SEATS ARE IN THE UNITED STATES. VISAS FOR FAMILY MEMBERS OF THE HOUSEHOLDS OF THE AFOREMENTIONED WILL ALSO NORMALLY BE ISSUED WITHIN FIVE WORKING DAYS. THE UNITED STATES GOVERNMENT IS ALSO PLEASED TO DECLARE ITS INTENTION TO ISSUE OFFICIAL AND DIPLOMATIC VISAS WITH VALIDITY FOR THE DURATION OF ASSIGNMENT, TO A MAXIMUM OF FORTY-EIGHT MONTHS, ON A RECIPROCAL BASIS. THE UNITED STATES GOVERNMENT DOES NOT VIEW AS AN IMPEDIMENT TO TRAVEL ITS REQUIREMENT THAT DETAILS OF TRAVEL PLANS BE PROVIDED.

UNITED STATES LAW REQUIRES THE PRESENTATION OF PASSPORTS AND VISAS BY ALIEN CREW MEMBERS, EXCEPT IN EMERGENCIES. CONSEQUENTLY, A WAIVER OF THE REQUIREMENTS, AS SUGGESTED BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF POLAND, IS NOT POSSIBLE. THE UNITED STATES GOVERNMENT NOTES THE INTEREST OF THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF POLAND IN REMOVING RESTRICTIONS ON THE ENTRY OF AIRCRAFT CREW MEMBERS AND ASKS AGAIN THAT IT REMOVE THE EXTRAORDINARY RESTRICTIONS IMPOSED UPON EMPLOYEES OF PAN AMERICAN AIRWAYS.

THE UNITED STATES GOVERNMENT WELCOMES THE INCREASE IN PRIVATE TEMPORARY VISITS BY POLISH CITIZENS AND WILL UNDERTAKE TO ALLEVIATE ANY INCONVENIENCES OF AN ADMINISTRATIVE NATURE WHICH MIGHT ARISE AS A RESULT OF THE RECENT INCREASE IN THE NUMBER OF PERSONS APPLYING FOR VISAS. U.S. PROCEDURES FOR HANDLING VISA APPLICATIONS MAY DIFFER FROM THOSE OF THE POLISH EMBASSY AND CONSULATES, IN LARGE PART BECAUSE THE UNITED STATES IMPOSES VIRTUALLY NO CONTROLS OVER THE ACTIVITIES AND MOVEMENTS OF ALIEN VISITORS AFTER THEIR ARRIVAL IN THE UNITED STATES. THEIR QUALIFIED OFFICIAL USE

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IFICATIONS, INTENTIONS, AND ABILITY TO AVOID BECOMING PUBLIC CHARGES MUST THEREFORE BE DETERMINED AT THE TIME OF THEIR VISA APPLICATION.

THE REDUCTION OF THE WAITING PERIOD FOR DIPLOMATIC AND OFFICIAL VISAS WILL BEGIN APRIL 15, 1977, IF THE GOVERNMENT OF POLAND IS PREPARED TO RECIPROCATATE ON THAT DATE. END TEXT.

3. REFS (B) AND (C) REPORTED THE REFUSAL OF POLISH PASSPORT-CONTROL OFFICERS TO PERMIT POLISH-AMERICAN DUAL NATIONALS RESIDING IN POLAND TO LEAVE POLAND WITH AMERICAN PASSPORTS. IN THE MFA'S NOTE, WE ARE TOLD FOR THE FIRST TIME THAT THE GOP ALSO OBJECTS TO THE INFORMAL DOCUMENTS (QUOTE CERTIFICATES OF RIGHT TO ENTER THE UNITED STATES UNQUOTE) PLACED IN THE POLISH PASSPORTS OF SUCH DUAL NATIONALS IN LIEU OF VISAS. EVEN THOUGH WE ARE NO LONGER ISSUING THE DOCUMENTS AND 9 FAM APPA PERMITS THE ISSUANCE OF PRO-FORMA NONIMMIGRANT VISAS, THE EMBASSY KNOWS OF NO WAY THE USG COULD LEGALLY MEET THE COMMITMENT, EMANATING FROM THE SPASOWSKI/STOESSEL LETTERS, TO TREAT U.S. CITIZENS

VISITNG THE UNITED STATES AS POLISH CITIZENS, SIMPLY BECAUSE
THEY POSSESS U.S. VISAS IN POLISH PASSPORTS. WE WOULD, HOWEVER,
PRESUMABLY REFUSE IN ANY CASE TO ADMIT U.S. CITIZENS INTO THE
U.S. ON THE BASIS OF POLISH DOCUMENTATION. THE EMBASSY, THERE-
FORE, WILL NOT RESPOND TO ITEM 6 OF THE MFA'S NOTE UNTIL THE
DEPARTMENT'S LEGAL OPINION AND ADVICE HAVE BEEN RECEIVED.
DAVIES

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